

Application Number: 10/534,352
Office Action Dated: November 17, 2006
Response Dated: February 15, 2007

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REMARKS

Amendments to the Claims

The Applicant has cancelled claims 5 to 18. The Applicant has added new claim 27. Claims 19 and 20 have also been amended to now depend from new claim 27.

The Applicant has also amended claim 21 to further state that the light emitting member is to be "used with a chamber and a light source positioned to illuminate the inside of the chamber, the chamber having internally reflective surfaces". Additionally, claim 21 now states that the first section is positionable in the chamber so that the internally reflective surfaces extend about the first section, the first section being capable of receiving light from the light source, and the second section being extendable outwardly from the chamber.

Lastly, the Applicant has added new claims 28 and 29. Claim 28 covers a device for creating illuminated indicia according to claim 27 wherein the thickness of the exposed remote edge is less than the length or width of the first section. Claim 29 covers a device for creating illuminated indicia according to claim 27 wherein the first section of the light emitting member is a flat sheet.

It is submitted that no new subject matter has been added to the application.

Discussion Regarding Patentability

The Examiner has alleged that previous claims 5, 6, 18, 20 to 23, 25 and 26 were anticipated by United States Patent No. 5,398,170 to Lee, under 35 U.S.C. 102(b). It is respectfully submitted that the Examiner has erred, as Lee does not disclose a second section 36 that is transparent. Furthermore,

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Lee does not disclose a remote exposed edge through which light is emitted. As a result, Lee cannot produce the effects of the present invention.

More specifically, the Examiner states:

Regarding claims 18 and 21, Lee discloses a device (100) for creating illuminated indicia, the device comprising a light source (104); a light emitting member (106), the light emitting member having a first section and a second section (136), the first section being exposed to the light source, the second section being transparent and having an exposed remote edge (111); and means for directing light from the light source onto the first section of the light emitting member, the first section of the light emitting member receiving light from the light source, said light being transmitted through the light emitting member to the exposed remote edge; wherein light is emitted from the light emitting member at the exposed remote edge. (See Fig. 1, col. 6, lines 1-16, col. 3 lines 54-60, and col. 6, lines 35-39). Further, said light emitting member is composed of fluorescent material and the second section has a cross-section generally in the form of indicium. (See abstract).

In response, the Applicant submits that the Examiner has erred. The Examiner alleges that Lee discloses a first section 106, a second section 136 which is transparent, and an exposed remote edge 111 through which light is emitted. Lee does not in fact disclose a second section which is transparent. Moreover, Lee does not disclose an exposed remote edge through which light is emitted. See Figure 2 of Lee. Accordingly, it is submitted that the Examiner's rejections based on anticipation have been overcome.

However, the Applicant has elected to cancel claim 18 in favor new claim 27. New claim 27 further includes many of the limitations of canceled claims 5 and 6 relating to the chamber. Claim 27 also now states that the first section of the light emitting member is within the chamber, and the second

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section of the light emitting member extends from the chamber. Similar changes have been made to amended claim 21.

Not only does the present invention, as set out in claims 27 and 21, teach a light emitting member structure not disclosed by Lee, the present invention's novel structure produces significant effects and benefits which Lee's invention is incapable of producing, and which, moreover, Lee has never predicted.

As an example according to the Applicant's invention and with reference to Figures 2-3 of the instant application, let the first section 16 be a red colored portion and the second section 17 be a green colored portion that is transparent and exposed partly outward. If the first section 16 is then exposed to illumination, the internally reflective surfaces 14 will direct light from the light source 3 onto the first section 16. The first section will receive this light and transmit it to the second section 17. The second section 17 is transparent. The fact that the second section 17 extends outwardly from the chamber causes the second section to internally reflect substantially all of said light to the exposed remote edge 18. As a result, the exposed remote edge 18 will have a red color illumination. This thereby causes the device as a whole to produce a halo effect of red. The Applicant directs the Examiner's attention to paragraphs [0050] to [0060] of the instant application, with particular emphasis on paragraph [0060]. It is as a result of the present invention's novel structure that the Applicant's invention creates exceptional and distinctive illumination effects. Moreover, the combination of these effects patentably distinguishes the invention from Lee – which cannot produce this effect.

As another example, according to the Applicant's invention, let the first section 16 be red and the second section 17 be clear and exposed partly outward. If outside light is turned off, then because the second section 17 is transparent and extends outwards from the chamber, the second section 17 internally reflects substantially all of said light to the exposed remote edge. Moreover, because the

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second section is transparent and because there is no outside light, the second section 17 will have the effect of being invisible except for the illumination that occurs at the exposed remote edge 18. As a result, here too the present's invention novel structure enables the benefit of a halo effect of red to occur.

In order to create a halo effect, a total internal reflection of the light in the second section 17 must occur. This is impossible by any means in Lee's invention. Lee's alleged second section 136 is in the form of a convex shape, and it is impossible to create the total internal reflection in this body and therefore impossible to create a halo effect. This is clear to any skilled person in this field. The word halo is never even used in Lee's application.

Lee has mentioned the use of transparent fluorescent dyes in acrylic, at line 12 of Column 3, but this does not mean that the light emitting member 106 in Lee's invention is transparent due to its form. Objects appear generally clear behind a transparent medium. Light gets diffused by a cylinder shape medium and this means that the light emitting member of Lee's invention causes objects to appear distorted. Even if Lee had intended to extend / expose the light emitting member 106 away from the plate 134, Lee's different structure is so different from the present invention that it is still incapable of creating a see-through halo effect.

Referring now more specifically to claim 21, this claim includes the above structure in addition to specifying that the second section is of a cross-section generally in the form of illuminating indicium. Since the second section 17 is transparent and also extends from the chamber 2, when the exposed remote edge 18 emits light to provide the illuminated indicia, the effect created by the Applicant's invention is an indicia that appears to be floating. The Applicant directs the Examiner's attention specifically to paragraph [0058] of the instant application. In addition to the Applicant having a different structure from Lee, the effect of this difference in structure means that neither this floating effect nor this halo effect is taught by Lee or known to those persons ordinarily skilled in art.

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Further regarding claim 21, it is respectfully submitted that the Examiner has erred in making the assertion that Lee teaches or even suggests providing an illuminating indicium using a light emitting member having a section with cross-section generally in the form of the indicium. Lee teaches using a plurality of light emitting elements 106 inserted into apertures 111 of an outer surface 134 of a front panel member 110 to generate a picture, design or other sign. Please see column 5, line 66, to column 6, line 6, of the Lee reference in this regard. Each light emitting element 106 is a cylinder, the cross-section of which is a circle. Lee has used these circles as dots for the creation of Lee's light forms. These dots work like pixels in a resolution. According to Lee, there is an 8 mm distance between each dot. See Lee's claim 16, and Lee's Figures 1, 4, 6, 7 and 8. In view of the above, Lee's lights are not in the form of indicium – they are merely in the form of finite dots.

In contrast, the cross-section of Applicant's invention does in fact have a cross-section in the form of an illuminated *indicium* (italics added for emphasis), as set out in the Applicant's claim 21. Accordingly, the present invention is additionally not anticipated by Lee in this regard. As a result of this structure, the present invention offers the benefit of being easier to read. The Applicant's invention therefore has the patentable advantage of providing light emitting elements in the form of desired indicium. A further benefit of the present invention's structure in this regard is that it allows for quicker and easier installation of signs and the like.

The Examiner goes on to allege the following claims are made obvious by Lee, under 35 U.S.C. 103(a): claim 19, which depends from claim 18; and claim 24, which depends from claim 21.

In response, the Applicants submits that these allegations are moot in light of the above discussion. Moreover, Lee purports to teach the use of a device with wheels to create new color. This color passes through the entire light emitting unit and exits from the convex end till the next color come in contact with the light source. Lee's device therefore purports to create one illumination effect for one colour.

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In contrast, the present invention's claims 19 and 24 state that the first section 16 is a first colour and the second section is a second colour. This structure in addition to that stated above enables the present invention to produce some very novel effects and is non-obvious. It is possible to achieve a color illumination at the edge of the indicia that differs from the main body. For example, one can produce orange illumination at the edge where the main body remains yellow, which is a great effect. For more in this regard, please see paragraphs [0050]-[0060], and more specifically, paragraphs [0054]-[0057].

In summary and as a result of its structure, the present invention may create at least three effects at once – 1) the 'disappearance' of the second section caused by the fact that the second section is transparent and light is transmitted through the second section by internal reflection, 2) the halo effect at the exposed remote edge where light is emitted, and 3) the display of two different colors simultaneously. Accordingly, to jump from Lee's teachings – which teach one effect for one colour, to those of the present invention would require more than a small scintilla of invention on the part of the ordinary person skilled in the art. It is therefore submitted that the present invention is not rendered obvious by cited reference and that the Examiner's rejection has been overcome.

In view of all of the above discussion, it accordingly follows that none of the Applicant's outstanding claims are anticipated or rendered obvious by the cited Lee.

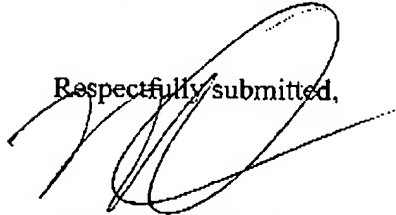
Further advantages of the Applicant's invention inherent to from its structure include that it is can be readily installed in an easy manner. Additionally, the light emitting member of the Applicant's invention can be extruded and cut inexpensively.

Lastly, The Examiner has rejected claim 21 for an insufficient antecedent basis on the limitation "the indicium" In response, the Applicant has amended claim 21 to replace "the indicium" with "the illuminating indicium".

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In light of the above-mentioned corrections, the applicant respectfully submits that this application is now in order for allowance.

Respectfully submitted,



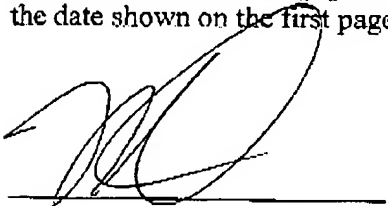
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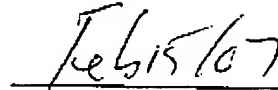
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